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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,288	09/10/2003	Chong-Shien Tsai	MR933-562/DIV2	2465
7590	07/02/2004		EXAMINER	
Rosenbrg, Klein & Lee Suite 101 3458 Ellicott Center Drive Ellicott City, MD 21043			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
				3637

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/658,288	TSAI, CHONG-SHIEN
	Examiner Phi D A	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 March 2002.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,10,12-14,16,20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,10,12-14,16,20,22 and 23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 12, 22, 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 “ anti-shock device is fastened onto the building foundation...carrier is fastened to the bottom section...” is confusing as it is confusing in scope. The claim appears to claim the device being subcombination to the building structure, as such, the relationship between building structure and the device needs to be subcombination, not combination as claimed; for example, “ anti-shock device is adapted to fasten onto the building foundation...carrier is adapted to be fastened to the bottom section”.

Claim 12 “ can be of...” is confusing the scope of the claim as the language is not limiting.

Claims 22-23 “ may vary”, “ may be changed” are indefinite as they are confusing the scope of the claimed.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1, 10, 12, 20, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by SU(618488A).

SU(618488A) shows a structure of an anti-shock device comprised of a base (bottom, the part below part 5), a carrier (top, the part on top of part 5) a slip concavity of a sunken round curved recess (the cavities occupied by part 5) is respectively formed in the center of the base top surface and in the center of the carrier bottom surface, the said slide block (5, 4, 4, 5, 2, 5, 4, 4, 5) is situated between the two said slip concavities, the said slide block consists of an upper slide block member (5 top) a bottom slide block member (4, 4, 5, 2, 5, 4, 4, 5), a seating recess is respectively formed in the top surface of the lower slide block member (where the part 5 top sits), the contact surfaces between the upper and lower slide block members and the said slip concavities consist of round curved surfaces that match the curvature of the slip cavities, the base of the anti-shock device is fastened onto the building foundation and the carrier is fastened to the bottom section of the building columns to provide shock eliminating capability, the base, the carrier, the slide block are of a physical arrangement that is interchangeable and reversible, the upper and lower slide block members being of a rhombic, circular shape, the upper slide block member is hemispherical, ovoid lentil-shaped, the surface of the seating recess is the surface of a partially hemispherical, partially ovoid, a partially lentil-shaped, the curvature of the slip concavity inherently could be varied according to the distance from the center of the slip concavity.

3. Claims 1, 12, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by SU(1705504A).

SU(1705504A) shows a structure of an anti-shock device comprised of a base (10), a carrier (3,5) a slip concavity of a sunken round curved recess is respectively formed in the center of the base top surface and in the center of the carrier bottom surface (seated by part 12), the said slide block (11, 12) is situated between the two said slip concavities, the said slide block consists of an upper slide block member (12) a bottom slide block member (11), a seating recess is respectively formed in the top surface of the lower slide block member (the curvature forming the recess), the contact surfaces between the upper and lower slide block members and the said slip concavities consist of round curved surfaces that match the curvature of the slip cavities, the base of the anti-shock device is fastened onto the building foundation and the carrier is fastened to the bottom section of the building columns to provide shock eliminating capability, the curvature of the slip concavity may vary according to the distance from the center of the slip concavity (inherently so).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 13, 14, 16, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU(1705504A).

SU(1705504A) shows all the claimed limitations except for the slip concavity surfaces being coated with a wear-resistant, lubricating material, the upper and lower

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slide block members surfaces being coated with a wear resistant lubricating material, the seating recess surfaces being coated with a wear resistant lubricating material, the coated materials on the slip concavity surfaces may be changed according to the distance from the center of the slip concavities.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify SU(1705504A) to show the slip concavity surfaces being coated with a wear-resistant, lubricating material, the upper and lower slide block members surfaces being coated with a wear resistant lubricating material, the seating recess surfaces being coated with a wear resistant lubricating material, the coated materials on the slip concavity surfaces may be changed according to the distance from the center of the slip concavities because it is well known in the art to provide coating material with wear-resistant lubricating properties on frictionally contacting surfaces as they would extend the life of the contact surfaces and result in cost saving, having the material on the slip concavity surfaces changed according to the distance from the center of the slip concavities would have been an obvious matter of engineering design choice as applicant has not disclosed that the changes solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the coating being consistent throughout the concavities, and the fact that the claim language states “may change” further reinforces the limitation being engineering design choice.

***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed.

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Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1, 10, 12-14, 16, 20, 22-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-6, 8-9 of U.S. Patent No. 6688051. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations in the claims of the U.S. patent 6688051 reads on the claimed limitations and the claimed limitations are broader.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different anti-shock device designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

6/25/04